

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAMERON PIERCE and PATRICIA
PIERCE, husband and wife; KAREN KIRBY,
a single woman; MARY J. RAY, a single
woman, GREGORY SHERMAN and
PAULA SHERMAN, husband and wife,
MICHAEL LEPAGE and GERTRUDE
LEPAGE, husband and wife; on behalf of
themselves and a class of similarly situated
individuals,

Plaintiffs,

v.

NOVASTAR MORTGAGE, INC., a foreign
corporation,,

Defendant.

CASE NO. C05-5835RJB

ORDER DENYING
DEFENDANT'S MOTION TO
QUASH SUBPOENA DUCES
TECUM TO COREY WEICK

This matter comes before the Court on the defendant's Motion to Quash Subpoena Duces Tecum to Corey Weick (Dkt. 42). The Court has considered the pleadings filed in support of and in opposition to the motion and the file herein.

I. BACKGROUND AND DISCUSSION

On July 26, 2006, plaintiffs' counsel issued a subpoena duces tecum directed to Corey Weick and requiring him to appear and produce certain documents on August 3, 2006. Dkt. 43, Exh. A at 5. On August 2, 2006, NovaStar moved to quash the subpoena on the grounds that it did not receive proper notice or time to respond, that fees and a mileage allowance were not tendered concurrently with service, and that service of the subpoena was improper. The passage

1 of time has rendered this motion moot, and the motion appears to violate the Court's July 17,
2 2006, order. *See* Dkt. 30. The Court is hopeful that the parties will work together to resolve the
3 underlying issue as suggested in the plaintiffs' response and the defendant's reply. *See* Dkt. 45-1
4 at 3.

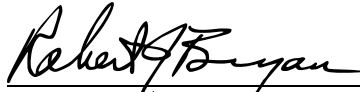
5 **II. ORDER**

6 Therefore, it is hereby

7 **ORDERED** that the defendant's Motion to Quash Subpoena Duces Tecum to Corey
8 Weick (Dkt. 42) is **DENIED**.

9 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel
10 of record and to any party appearing *pro se* at said party's last known address.

11 DATED this 16th day of August, 2006.

12 
13 Robert J. Bryan
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28